

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - N/S of North Point Road, 30' E of the c/l of Bauers Farm Road (8102 North Point Road) 15th Election District 7th Councilmanic District

\* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 93-255-SPHA

Earl E. Bauer, Jr., et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing and a Petition for Zoning Variance filed by the owners of the subject property, Earl E. Bauer, Jr. and G. Louise Bauer. The Petitioners request a special hearing to approve the use of a farm building on a lot of less than 3 acres in a manufacturing zone as a principal use, pursuant to Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioners also request variance relief from Sections 243.2 and 243.3 of the B.C.Z.R. to permit a northwest side yard setback of 5 feet, a southeast side yard setback of 44 feet, and a rear yard setback of 15 feet, all in lieu of the required 50 feet for each, for a proposed building in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Earl E. Bauer, Jr. and Georganna L. Bauer, property owners. The Petitioners were represented by Samuel F. Kenney, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 8102 North Point Road, consists of 0.59 acres, zoned M.H.-I.M. and is currently unimproved. Said property is located within the Chesapeake Bay Critical Areas near North Point Creek. The Petitioners are desirous of constructing a 52' x 90' building on the subject property for purposes of storing farm equipment used in a farming operation on adjoining property. Testimony

indicated that the Petitioner's family has farmed approximately 194 acres of land located adjacent to the subject site for many years. Mr. Bauer testified that he has farmed the property himself for the past 31 years and that they currently farm 86 acres. Mr. Bauer testified that he purchased the subject property in 1988 for purposes of constructing the proposed building to store farm equipment used in the farming operation, such as tractors, cultivators, and plows, etc. He testified that they have had problems with vandalism and theft on their farm and that the proposed building is necessary in order to provide protective storage for their equipment. Testimony indicated that the relief requested is necessary due to the shape of the lot, its size, and the need for a large area for maneuvering farm equipment in and out of the building.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result

- 2 -

if the special hearing and variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structure which are the subjects of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

As previously noted, this property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) upon completion of their review of this proposal. The Petitioners shall submit a findings plan for review and approval by DEPRM prior to the issuance of any permits.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18<sup>th</sup> day of March, 1993 that the Petition for Special Hearing requesting approval of the use of a farm building on a lot of less than 3 acres in a manufacturing zone as a principal use, pursuant to Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Sections 243.2 and 243.3 of the B.C.Z.R. to permit a northwest side yard setback of 5 feet, a southeast side yard setback of

- 3 -

44 feet, and a rear yard setback of 15 feet, in lieu of the required 50 feet for each, for a proposed building in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall submit a findings plan for review and approval by DEPRM prior to the issuance of any permits.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

- 4 -

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

March 18, 1993

(410) 887-4386

Samuel F. Kenney, Esquire  
31 Allegheny Avenue, Suite 103  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE  
N/S North Point Road, 30' E of the c/l of Bauers Farm Road  
(8102 North Point Road)  
15th Election District - 7th Councilmanic District  
Earl E. Bauer, Jr., et ux - Petitioners  
Case No. 93-255-SPHA

Dear Mr. Kenney:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File

## Petition for Special Hearing

93-255-SPHA  
to the Zoning Commissioner of Baltimore County  
for the property located at 8102 North Point Road  
which is presently zoned MH-1M

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a principal use farm building on a lot of less than 3 acres as defined in Section 101 in a manufacturing zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)  
Signature  
Address  
City State Zipcode

Attorney for Petitioner:  
Samuel F. Kenney  
(Type or Print Name)  
Signature  
31 Allegheny Ave., Suite 103  
Towson, MD. 21204  
City State Zipcode

Legal Owner(s)

(Type or Print Name)  
Signature  
G. Louise Bauer  
(Type or Print Name)  
Signature  
8604 Oak Road 477-2708  
Baltimore, Maryland 21219  
City State Zipcode  
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted  
Earl E. Bauer, Jr.  
8604 Oak Road Balto. Md. 477-2708  
City State Zipcode

OFFICE USE ONLY  
ESTIMATED LENGTH OF HEARING  
the following date: 1/29/93 Next Two Months  
ALL OTHER  
REVIEWED BY: LG DATE: 1/29/93

## Petition for Variance

93-255-SPHA  
to the Zoning Commissioner of Baltimore County  
for the property located at 8102 North Point Road  
which is presently zoned MH-1M

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 258.2 (referencing 243.2 & 243.3) to allow a side yard setback of 5' and 44' and a rear yard setback of 15' in lieu of the required 50'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Shape of property confines building location, since maneuvering of farm equipment requires a large area for equipment and vehicles to enter and exit building.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)  
Signature  
Address  
City State Zipcode

Attorney for Petitioner:  
Samuel F. Kenney  
(Type or Print Name)  
Signature  
31 Allegheny Ave., 823-5500  
Towson, MD. 21204  
City State Zipcode

Legal Owner(s)

(Type or Print Name)  
Signature  
Earl E. Bauer, Jr.  
(Type or Print Name)  
Signature  
G. Louise Bauer  
(Type or Print Name)  
Signature  
8604 Oak Road 477-2708  
Baltimore, Maryland 21219  
City State Zipcode  
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted  
Earl E. Bauer, Jr.  
8604 Oak Road Balto. Md. 477-2708  
City State Zipcode

OFFICE USE ONLY  
ESTIMATED LENGTH OF HEARING  
the following date: 1/29/93 Next Two Months  
ALL OTHER  
REVIEWED BY: LG DATE: 1/29/93

Phone: 687-6922

FRANK S. LEE  
Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

June 11, 1991

No. 8102 North Point Road  
15th District Baltimore County, Maryland

Beginning for the same in or near the center of North Point Road at the distance of 30.43 feet measured southeasterly from the center of Bauers Farm Road, thence binding on or near the center of North Point Road South 47 degrees 48 minutes 40 seconds East 124.33 feet, thence leaving North Point Road for lines of division as follows: North 58 degrees 34 minutes 53 seconds East 254.62 feet, North 32 degrees 40 minutes 55 seconds West 103.95 feet, South 53 degrees 53 minutes 24 seconds West 58.33 feet and South 63 degrees 41 minutes 20 seconds West 231 feet to the place of beginning.

Containing 0.59 acres of land more or less.



261

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: 2/1/93  
Posted for: Earl E. Bauer & Various  
Petitioner: Earl E. Bauer  
Location of property: N. 1/2 (P. 102) M. 17 R. 20 E. Box 100m R. 2  
Location of Sign: Along Roadway, on property of R. E. Bauer  
Remarks: \_\_\_\_\_  
Posted by: [Signature] Date of return: 2/12/93  
Number of Signs: 2

**receipt**

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-4150  
Number: \_\_\_\_\_  
Date: 2/1/93  
H9300261

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEE:		
1. ZONING VARIABLE (IRL)	1 X	\$50.00
2. SPECIAL HEARING (IRL)	1 X	\$50.00
TOTAL:		\$100.00

LAST NAME OF OWNER: BAUER  
TOTAL: \$100.00  
04AD4W0163MCHRC \$100.00  
P8 D001-16PH01-29-93  
Please Make Checks Payable To: Baltimore County  
Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

DATE: 2-17-93

Earl E. Bauer and G. Louise Bauer  
8604 Oak Road  
Baltimore, Maryland 21219

RE: CASE NUMBER: 93-255-SPHA (Item 261)  
N/8 North Point Road, 30' E of c/l Bauer Farm Road  
8102 North Point Road  
15th Election District - 7th Councilmanic  
Legal Owner(s): Earl E. Bauer, Jr. and G. Louise Bauer  
HEARING: THURSDAY, MARCH 4, 1993 at 11:30 a.m. in Rm. 118, Old Courthouse.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 FEB 04 1993 (410) 887-3353

**NOTICE OF HEARING**

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at \_\_\_\_\_ or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-255-SPHA (Item 261)  
N/8 North Point Road, 30' E of c/l Bauer Farm Road  
8102 North Point Road  
15th Election District - 7th Councilmanic  
Legal Owner(s): Earl E. Bauer, Jr. and G. Louise Bauer  
HEARING: THURSDAY, MARCH 4, 1993 at 11:30 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve a principal use farm building on a lot of less than 3 acres in a manufacturing zone.  
Variance to allow a side yard setback of 5 feet and 44 feet and a rear yard setback of 15 feet in lieu of the required 50 feet.

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 2/11, 1993  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/11, 1993

THE JEFFERSONIAN,

S. Zake Orlean  
Publisher

\$106.43

**receipt**

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-4150  
Number: \_\_\_\_\_  
Date: 2/11/93  
H9300261

93-255-SPHA  
H9300261

04AD4W0163MCHRC \$100.00  
P8 D001-16PH01-29-93  
Please Make Checks Payable To: Baltimore County  
Cashier Validation

Dear Petitioner(s):

Please be advised that \$ 106.43 is due for advertising and posting of the above captioned property and hearing data.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

[Signature]  
ARNOLD JABLON  
DIRECTOR

cc: Samuel F. Kenney, Esq.

[Signature]  
Arnold Jablon  
Director

cc: Earl Bauer, Jr. and G. Louise Bauer  
Samuel F. Kenney, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

February 24, 1993

Samuel F. Kenney, Esquire  
31 Allegheny Avenue STE 103  
Towson, MD 21204

RE: Case No. 93-255-SPHA, Item No. 261  
Petitioner: Earl E. Bauer, Jr., et ux  
Petition for Special Hearing

Dear Mr. Kenney:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 29, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassab  
Administrator

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No: 241 (256)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

[Signature]  
for John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 865-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: February 12, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 254, 256, 259, 263, 262, 267, 268, 261

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: [Signature]

Division Chief: [Signature]

PK/JL/lw

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: Feb 18, 1993

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: Feb 8, 1993

There are no comments on item numbers 239, 240, 241, 254, 256, 257, 259, 260, 261, 262, 263, 264, 267 and 268

[Signature]  
Rahee J. Famill  
Traffic Engineer II

RJF/lvd

RECEIVED  
FEB 18 1993  
ZONING OFFICE

254, ZAC/ZAC1



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: February 12, 1993

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #261  
Bauer Property, 8102 North Point Road  
Zoning Advisory Committee Meeting of February 8, 1993

This property is located in a Limited Development Area of the Chesapeake Bay Critical Area.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2804 for details.

LP:SA:sp

BAUER/TXTSBP

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

FEBRUARY 18, 1993

(410) 887-1500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: EARL E. BAUER, JR. AND G. LOUISE BAUER

Location: #8102 NORTH POINT ROAD

Item No.: 261 (LJG) Zoning Agenda: FEBRUARY 8, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Carl J. Decker Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/REK



Printed on Recycled Paper

PLEASE PRINT CLEARLY

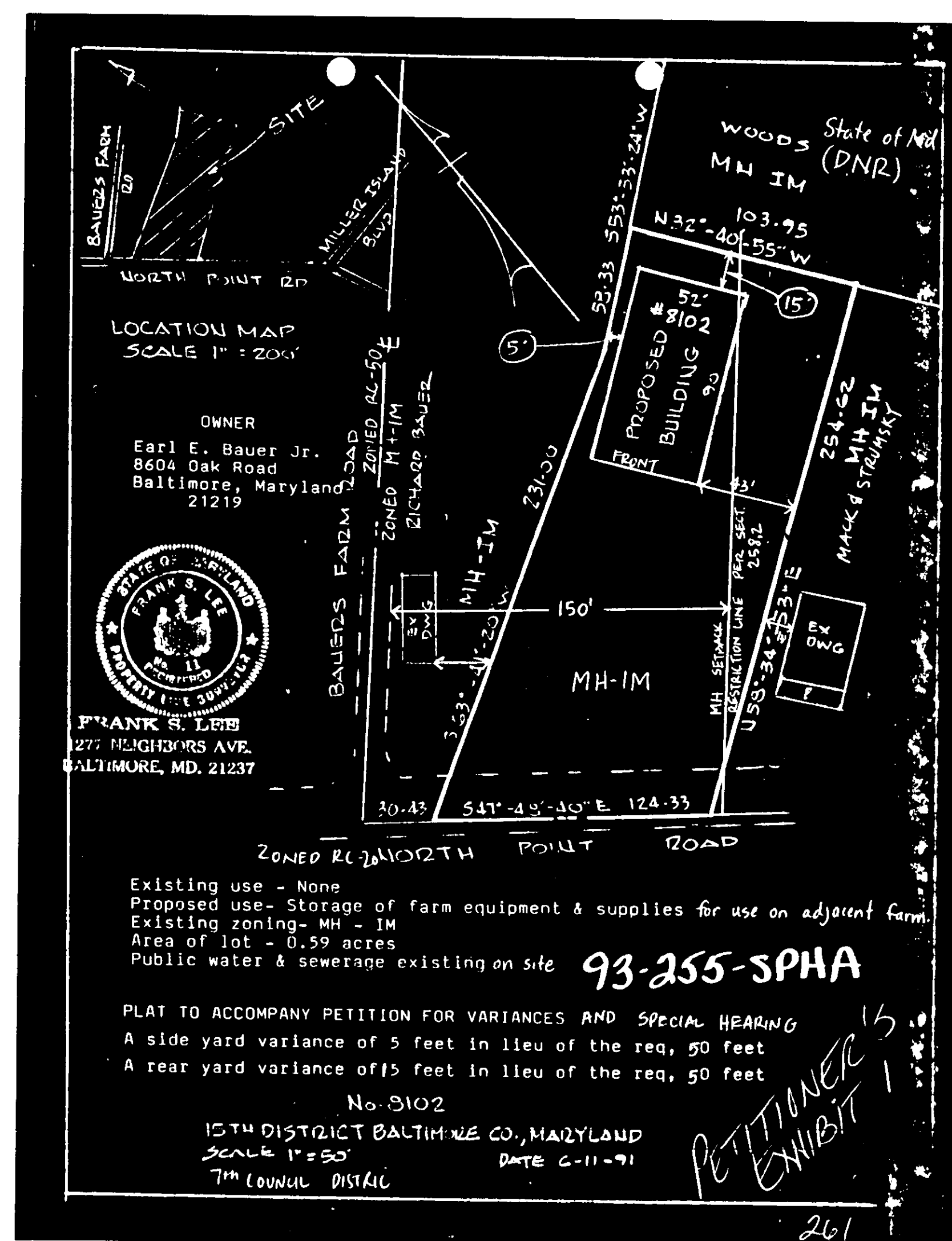
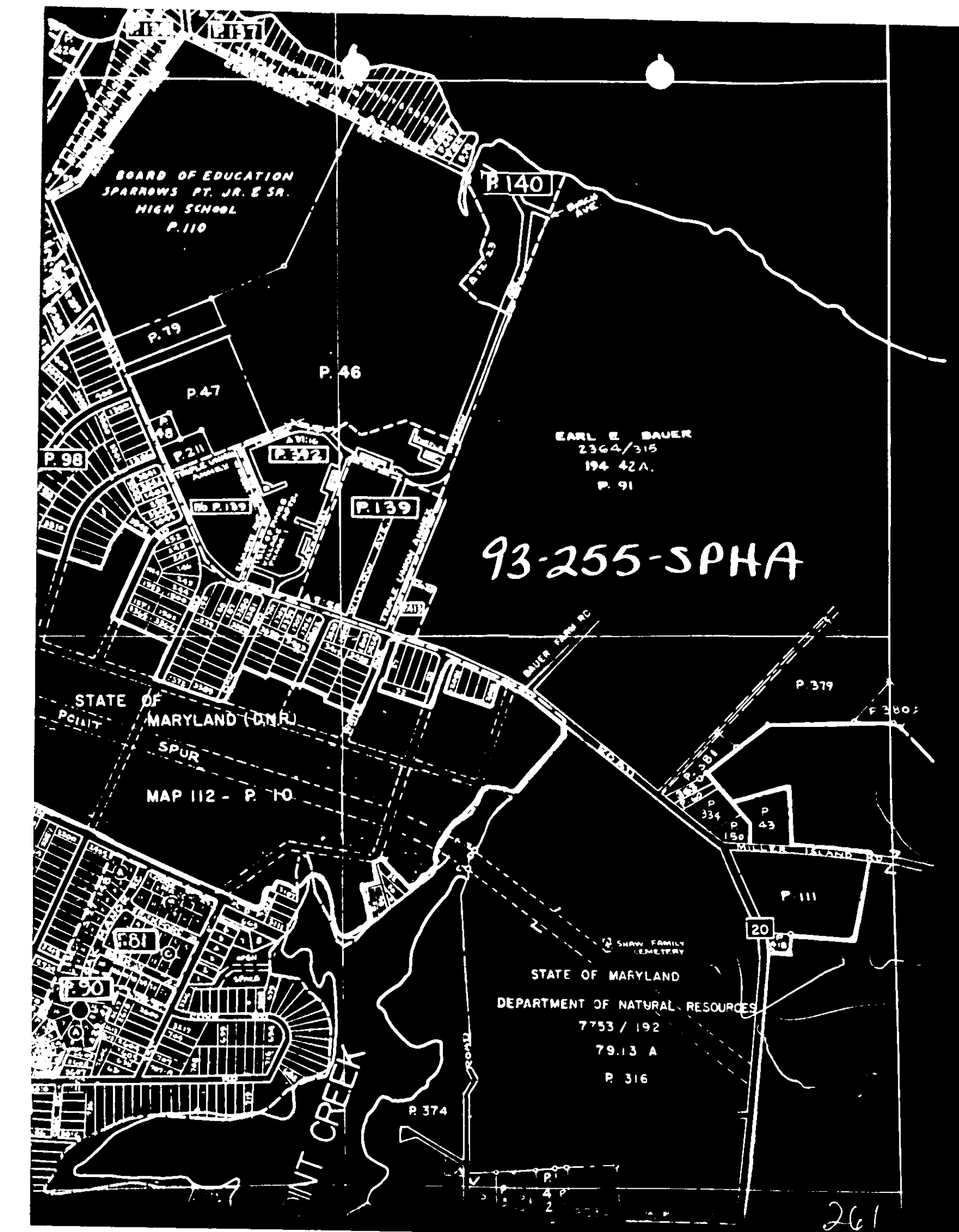
PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

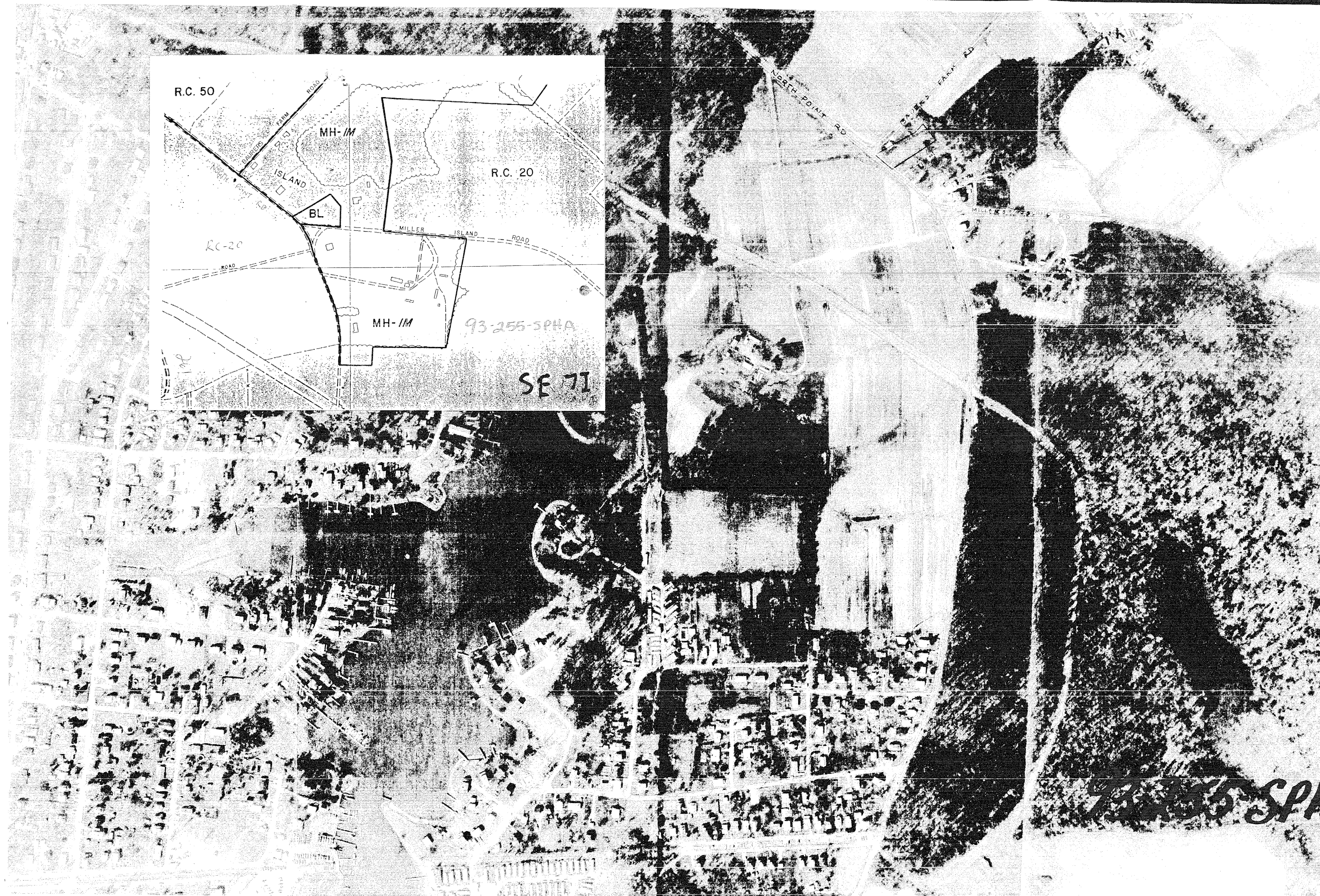
EARL E. BAUER JR.  
Georgetown, D.C.  
3111 1st St. N.E.  
Towson, MD 21204

8114 Oak Rd. Balto. 21219  
8104 Oak Rd. Baltimore 21204  
3111 1st St. N.E.  
Towson, MD 21204



SHIPPED DEC 08 1989





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±		
DATE OF PHOTOGRAPHY	LODGE FOREST	S.E. 7-1
JANUARY 1986		

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

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